

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mildenzel Davis,)	C/A No.: 1:12-2490-SB-SVH
Plaintiff,)	
vs.)	
Captain Brunson, Officer Mills, Sgt.)	ORDER
Spades, and Officer Jackson,)	
Defendants.)	
)	

Mildenzel Davis (“Plaintiff”), proceeding *pro se* and in *forma pauperis*, brought this civil rights action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights by employees of the Florence County Detention Center (“FCDC”). Before the court are the following motions: (1) Plaintiff’s motion to amend the complaint [Entry #35]; and (2) Plaintiff’s motions to compel [Entry #39, #42]. All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.).

I. Plaintiff’s Motion to Amend the Complaint

In his motion to amend, Plaintiff seeks to clarify the causes of action he is bringing against Defendants, but does not add additional allegations. [Entry #35]. Plaintiff’s motion is granted to the extent he seeks to incorporate these causes of action into his original complaint and the Clerk of Court is directed to attach Plaintiff’s motion to the original complaint. However, because Plaintiff’s motion only clarifies his causes of action, no amended complaint shall be docketed and no responsive pleading from Defendants is required.

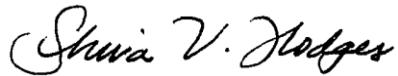
II. Plaintiff's Motions to Compel

It appears that Plaintiff's motions to compel seek to serve discovery responses on Defendants. [Entry #39, #42]. Defendants responded that they have not served any discovery requests on Plaintiff and have previously served Plaintiff with responses to his discovery requests. [Entry #40, #44]. Motions to compel may be filed to compel discovery responses from a party, but there is no requirement that a party serve discovery requests. Fed. R. Civ. P. 37. As Defendants have informed the court that they have responded to Plaintiff's discovery requests and Plaintiff has not challenged this assertion, Plaintiff's motions to compel must be denied. Additionally, Defendants are not required to serve discovery requests on Plaintiff. To the extent Plaintiff seeks to provide documents to Defendants in the absence of discovery requests, Defendants appear willing to accept such documents through the detention center. *See* Entry #40, #44.

III. Conclusion

For the foregoing reasons, Plaintiff's motion to amend [Entry #35] is granted in part and denied in part and his motions to compel [Entry #39, #42] are denied.

IT IS SO ORDERED.



April 9, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge